

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAIME GUTIERREZ and RAMON GUTIERREZ,
*on behalf of themselves and all others similarly
situated,*

Plaintiffs,

-v-

TRYAX REALTY MANAGEMENT, INC., 1027
WALLCO L.L.C., MICHAEL SCHMELZER,
MATTHEW SCHMELZER, MIGUEL LEON,
and CESAR MALDONADO,

Defendants.

17 Civ. 6752 (PAE)

ORDER


PAUL A. ENGELMAYER, District Judge:

On September 18, 2020, the parties submitted a proposed settlement agreement and a letter in support in this Fair Labor Standards Act and New York Labor Law action. Dkt. 99. On September 30, 2020, the parties submitted a revised settlement agreement including the signatures of the parties to this action. Dkt. 101 (“Agreement”). The Court has carefully reviewed the Agreement. The Court concludes, substantially for the reasons stated in the parties’ letter, and in light of the Second Circuit’s recent holding in *Fisher v. SD Prot. Inc.*, 948 F.3d 593, 603–05 (2d Cir. 2020), that the proposed Agreement is fair and reasonable. Upon careful review of the Agreement, the Court is satisfied that the Agreement was achieved through procedurally fair means and is fair and reasonable such that it satisfies the standard set forth in *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).

Accordingly, the Court approves the Agreement and retains jurisdiction over the enforcement of its terms.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: September 30, 2020
New York, New York